

3.4 Cultural Resources

In general, cultural resources include physical forms of prehistoric Native American habitation or use of land as well as historic structures greater than 50 years of age. This section examines the potential adverse physical effects of the proposed development on cultural resources. Refer to **Appendix D** for more detail.

Environmental Setting

The Project site is located on gently rolling terrain approximately 140 feet above sea level. The Project site presently drains to the west with the lowest elevation (between 130 and 135 feet above sea level) in the southwest section of the property where one of the two drainage ditches on site drains to the west off of the property. The site is located approximately one-half mile north of Dry Creek. Approximately 1,000 feet west is an unnamed tributary of Dry Creek. The Project proposes the division of the parcel to accommodate 150 single-family residences. Refer to the Project Information section of this EIR (2.0) for more information.

The immediate vicinity of Dry Creek is known to be a concentrated area of prehistoric activity. As such, when the area immediately surrounding the creek flooded in the past, areas just above the flood level such as the Project site would have been used on a seasonal basis for temporary occupation. The parcel has been used historically for agriculture, but now consists of annual non-native grassland and an abandoned, overgrown vineyard on the site's southern section.

Prehistoric

In 1931, archaeological work at three sites near the confluence of Deer Creek and the Cosumnes River in Sacramento County determined the prototypes for the Early-Middle-Late Horizon model of the prehistory of the northern Central Valley/Delta area, a model used for nearly half a century. Early culture may have originated in the Plateau region of Oregon and Washington and possibly represented the initial arrival of Penutian-speaking people into central California, at about 2500 B.C. (Moratto 1984:179, 184-85).

It was originally believed that the Delta area was a "center of cultural specialization" from which the Early, Middle, and Late culture phases spread to most of central California, except to the Bay Area, which was believed to have had an established culture developing along different lines (Lillard et al 1939). In the mid-1950s, the original sequence was refined and extended to include the Bay Area, now assuming a basic uniform cultural succession in central California from the coast to the interior (Beardsley 1954).

The Nisenan, or Southern Maidu, occupied the upper drainages and the adjacent ridges of the Yuba River, the north, middle, and south forks of the American River, and at least the upper north side of the Cosumnes River, and some areas west of the lower reaches of the Feather River.¹ This Native American group is the one most likely to have settled in the vicinity of the Project site. The eastern

limit of their territory is conventionally believed to extend to the crest of the Sierra Nevada (Wilson and Towne 1978). The villages for the Hill Nisenan were located on ridges and flats along the major streams and rivers within their territory. The satellite encampments and villages were probably located on the smaller water courses surrounding or nearby the major village.

Historic

After the initial era of Spanish and Russian exploration followed by English and French trapping, California was visited by American trappers and explorers. In the winter of 1827 to 1828 fur trapper Jedediah Smith explored the American River to the high Sierra Nevadas (Morgan 1953:207-08).

The first settlement in Placer County was Theodore Sicard's Ranch, on the south bank of the Bear River, with a grant in 1844 followed by an adobe house, built in 1845. In 1846 a fellow Frenchman named Claude Chana arrived at the ranch. The two men worked together to plant peach and almond seeds, the beginning of commercial orchards in the Sacramento Valley. Chana is also credited with being the first to discover gold in Placer County, in Auburn Ravine. He eventually purchased Sicard's grant and successfully sold farm produce to miners.

Placer County was organized in 1851 from parts of Sutter and Yuba counties, with Auburn as the county seat (Hoover, Rensch & Rensch 1966:265). Settlement in western Placer County began with early agricultural enterprises in the rolling, grassy plains. No Spanish land grants ever existed within the present boundaries of Placer County, although the Rancho Del Paso grant lay immediately to the south in Sacramento County.

Early settlers in Placer County included members of the J.P. Whitney family who owned large areas of land between Rocklin and Lincoln, based at Spring Valley Ranch southeast of Lincoln; the Fiddymment family with two large ranches just south of Pleasant Grove Creek, northeast of the project; the Kaseberg's Diamond K Ranch, located between the Whitney and Fiddymment ranches; and Joseph Walkup and Samuel B. Wyman who arrived in 1851, settling a short distance east of Lincoln and in 1852 harvesting the first crop of wheat in Placer County (Thompson & West 1882:240). Christian Johnson purchased two parcels within the current Sunset Industrial Area, on the north side of Athens Avenue, in 1863 and 1875 (Lardner & Brock 1924; 1067). Another site, near Orchard Creek, is also on the 1910 map, on land originally belonging to Giles DeWitt Wilbur, purchased in 1860. Between 1860 and 1895 others also moved into the general area. George and Joel Whitney acquired land from railroad and school grants, all apparently around 1891. Grain and livestock (especially sheep) were typical products in the early days, along with vineyards and fruit orchards. The Lincoln area was also host to mining activities, especially later during the 1930s when drag-line dredging was extensively used in Auburn Ravine, east of town. (Dark 1970:87).

The 1866 General Land Office (GLO) Plat of the township shows roads in the general vicinity. There are currently an unoccupied house and three storage sheds located in the northern section of the site. An examination of other historical maps along with onsite evaluations revealed that the Project site was previously used for agriculture and consists of an abandoned vineyard. As of the writing of this report, the Project residence is unoccupied and there are two known historic structures located on the site older than 50 years in age.

Findings

The Project site contains two structures that have been recognized as being constructed sometime in the early to mid 1900s, including a two-story wood-framed residence and an outhouse. The home on the Project site is likely to have been built around the same time as the outhouse, due to its relative placement on the site in relation to the home, as well as its architectural style. The outhouse was built between 1935 and 1941 by the federal Works Projects Administration (WPA) which constructed outhouses to provide jobs for the needy during the Great Depression. Interviews with the property owners revealed that the Civilian Conservation Corps (CCC) was contracted to pour the cement floor and construct the building. The home is currently in fair condition and in its original location. A possible purchase has been proposed. Provided a buyer is found, the outhouse will then be relocated, allowing an opportunity to determine its potential rarity and importance.

A pestle/mano stone is located on the Project site, which the former inhabitants of the house placed beneath a downspout of the house roof gutter to divert water away from the house. It is not known when or from where this was acquired. The pestle/mano stone measures at 10.5 inches by 5 inches and is 3.5 inches thick. The property owner has said his brother had also previously found bowls and mortars on the property. It was also reported that family members found a few projectile points over the years; however, the number, appearance, and locations were not known. No other indications of prehistoric use were found.

There are no other known cultural resources on the Project site. The pestle/mano stone found at the house is not in significant context, having been moved to the house in the past, with no remembrance of original location. Although projectile points were apparently found locally, none were seen on any of the site evaluations. However, it is known that Native Americans were in the general area.

Regulatory Setting

CEQA provides guidance for defining cultural and historic resources for the purpose of analysis and establishing the significance of impacts to such resources. Section 15064.5 of the Public Resources Code (part of the CEQA statutes), entitled "Determining the Significance of Impacts to Archeological and Historical Resources," states in part:

- (a) ... the term "historical resources" shall include the following:
 - (1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4850 et seq.)
 - (2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public

agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

- (3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852) including the following:
 - (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
 - (B) Is associated with the lives of persons important in our past;
 - (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - (D) Has yielded, or may be likely to yield, information important in prehistory or history.
- (4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1

CEQA Guidelines Section 15126.4(b)(3) states, "Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature." The Guidelines further state that preservation in place is the preferred manner of mitigating impacts, and that preservation ". . . may be accomplished by, but is not limited to, the following":

1. Planning construction to avoid archaeological sites;
2. Incorporation of sites within parks, greenspace, or other open space;
3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.
4. Deeding the site into a permanent conservation easement.

(CEQA Guidelines, Section 15126.4, subd. (b)(3)(B).)

The CEQA Guidelines state, "when data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken" [CEQA Guidelines, Title 14, Section 15126.4(b)(3)(C)]. However, "data recovery shall not be required for an historical resource if the lead agency

determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource...” [CEQA Guidelines, Title 14, Section 15126.4(b)(3)(D)].

Section 15064.5 (e)(1) and (2) of the CEQA Guidelines provides the following guidance with regard to the accidental discovery of human remains:

In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - A. The coroner of the County must be contacted to determine that no investigation of the cause of death is required, and
 - B. If the coroner determines the remains to be Native American:
 1. The coroner shall contact the Native American Heritage Commission within 24 hours.
 2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased native american.
 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
 - A. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
 - B. The descendant identified fails to make a recommendation; or
 - C. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

CEQA also requires planning agencies to consider the effects of a project on “unique archaeological resources.” If an archaeological site meets the definition of a unique archaeological resource (Public Resources Code Section 21083.2), then the site must be treated in accordance with the special provisions for such resources, which include time and cost limitations for implementing mitigation.

California law also protects Native American burials, skeletal remains and associated grave goods regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains (California Health and Safety Code Section 7050.5, California Public Resources Code Sections 5097.94 *et seq.*).

Local Policies and Regulations

The *Dry Creek West Placer Community Plan* and *Placer County General Plan* set forth requirements for minimizing cultural resources impacts for new development. The policies of this Plan, as applicable to cultural resources, are provided below.

Placer County General Plan Policies

- Policy 5.D.6** The County shall require that discretionary development projects identify and protect from damage, destruction, and abuse, important historical, archaeological, paleontological, and cultural sites and their contributing environment. Such assessments shall be incorporated into a countywide cultural resource data base, to be maintained by the Department of Museums.
- Policy 5.D.7** The County shall require that discretionary development projects are designed to avoid potential impacts to significant paleontological or cultural resources whenever possible. Unavoidable impacts, whenever possible, shall be reduced to a less than significant level and/or shall be mitigated by extracting maximum recoverable data. Determinations of impacts, significance, and mitigation shall be made by qualified archaeological (in consultation with recognized local Native American groups), historical, or paleontological consultants, depending on the type of resource in question.

Dry Creek West Placer Community Plan Policies

- Policy 1.** Identify and protect from destruction and abuse all representative and unique historical, cultural and archeological sites.
- Policy 8.** Require site specific studies for archeological or historical sites in all instances where land development has the potential to have a detrimental impact on these sites.

Methodology

The approach to evaluating the potential impacts of the proposed Project on cultural resources consisted of three phases:

- (1) Research to identify recorded sites and previous surveys in the area and their results;
- (2) Field inspection to identify all cultural resources that might be affected by the Project, regardless of significance; and,
- (3) Analysis of the significance, to the extent possible from surface inspection, to identify any significant impacts.

A records search by the California Historical Resources Information Center at Sacramento State University was performed on October 12, 2004. Contact with the Native American Heritage Office in Sacramento has also been established. No previous surveys were shown to have been performed on the current Project site, and no significant Native American concerns are known involving the Project

site. A field survey was performed on October 15, 16 and 23, 2004. A subsequent field visit was conducted on November, 2 2006 in order to inspect the length of a proposed sanitary sewer easement alignment, which was added to the original Project plan. The proposed 20-foot wide sewer easement on APN 473-040-005 would extend south beyond the Project site across undeveloped land and would continue further southward within the street rights-of-way of Bedell Court and Bedell Lane. The easement will contain a sewer line within a three-foot wide trench excavated to depths of seven to 20 feet. No cultural resources were observed within the proposed sanitary sewer easement.

Thresholds of Significance

Impacts would be considered significant if the Project would result in:

- A substantial adverse change in the significance of a known or unknown historical resource, including: a resource listed in, or determined to be eligible for listing in the California Register of Historical Resources; a resource included in a local register of historical resources; or, any object, building, structure, site, area, place, record, or manuscript the County determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California;
- Cause a substantial adverse change in the significance of an unique archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines;
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or,
- Disturb any human remains, including those interred outside of formal cemeteries.

Environmental Impact and Mitigation Measures

Impact CR-1	The Project may cause accidental exposure of, or damage to an unidentified resource during construction. This is a potentially significant impact.
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Though the cultural resources survey did not reveal any cultural resources, there is always the potential with excavation and/or construction to uncover some hidden and unknown cultural resource. Previous events and activities (both natural and human) may have obscured prehistoric or historic period artifacts or habitation areas, leaving no surface evidence. This is considered a **potentially significant** impact and mitigation is required.

Mitigation Measure CR-1

- If, during site preparation or construction activities, unusual amounts of non-native stone (obsidian, fine-grained silicates, basalt), bone, shell, or prehistoric or historic period artifacts (purple glass, etc.) are revealed, or if dark-colored sediments that do not appear to have been created through natural processes are discovered, work shall cease in the immediate area of discovery and a qualified archeologist shall be contacted immediately for an on-site inspection of the discovery. In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Placer County Coroner is contacted to determine that no investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission in Sacramento within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. Or where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. The conditions include: If The Native American Heritage Commission is unable to identify a most likely descendent; if the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; or, if the descendant identified fails to make a recommendation, or if the landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

The incorporation of the above identified mitigation measure would reduce the impact to a **less-than-significant** level.

Notes and References

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